IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.2443 OF 2007.
(Mansurbhai Abdul Gaffar & anr. Vs. Mohanlal Hiralal Khandelwal.)

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Shri Anil Mardikar, Advocate for Petitioner.
Shri C.A. Joshi, Advocate for Respondent.

CORAM : R.C.CHAVAN, J.

DATED : SEPTEMBER 24, 2007.

The petitioner takes exception to rejection by learned Second Ad-hoc Additional District Judge, Akola on petitioner's application for restoration of appeal dismissed in default. The learned Ad-hoc Additional District Judge has recounted in his order as to how the petitioner had attempted to protract the hearing of the appeal. Fifteen adjournments were allegedly sought before an application for amendment of written statement was made at the appellate stage and was disposed of by order dated 14.06.2006. Three adjournments were sought thereafter on the pretext that the petitioner was to approach the High Court, thereafter the petitioner and his counsel remained absent leading to dismissal of the appeal. Strategy of seeking adjournments and eventually on finding that the adjournments may not be granted, to have lis

dismissed in default, and then to seek indulgence of having appeal restored need not be permitted and need not be interfered with by this Court, though the petitioner would thereby loose a chance of having his lis adjudicated on merits.

The writ petition is, therefore, dismissed.

JUDGE.

RR.